

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:18 CR 618 JAR
)	
ANDRE KING,)	
)	
Defendant.)	

GOVERNMENT’S SENTENCING MEMORANDUM

Come now the United States, by and through Assistant U.S. Attorney Paul J. D’Agrosa, and for its sentencing memorandum, submits the following:

1. The Defendant has pleaded guilty to two counts of a four-count indictment. He awaits sentencing on one count of carjacking and one count of brandishing a firearm in furtherance of a crime of violence.

2. When the parties reached an agreement, which was memorialized in a written guilty plea agreement [doc. 35], it was agreed that in exchange for defendant’s pleas of guilty to Counts 3 and 4, the government would dismiss Counts 1 and 2 and further, that either party was free to argue for a sentence above or below the advisory guidelines.

3. In the meantime, defendant was indicted in the U.S. District Court for the Southern District of Illinois, in cause number 3:19-30075-SMY. That indictment included charges that defendant transported the carjacked vehicles related to the instant indictment in interstate commerce. Defendant was also charged with various counts related to Hobbs Act robberies.

4. In an effort to reach a “global resolution” of all charges related to defendant’s conduct in both the Eastern District of Missouri and the Southern District of Illinois, the United States Attorney in both districts has agreed with defendant to recommend a total sentence of twenty (20) years imprisonment. This sentence would include a total sentence of ten (10) years in the instant cause, to be served consecutively with a sentence of ten (10) years to be imposed in the Southern District of Illinois.

5. Consistent with said agreement, defendant entered pleas of guilty on December 19, 2019 to six out of seven counts in the Southern District of Illinois, and executed a written plea agreement (the plea of guilty is reflected in the Officer’s Final Revised Presentence Investigation Report [doc. #62], pages 8-9). Defendant has therefore agreed that he will receive a total, recommended sentence of ten (10) years in St. Louis and a consecutive sentence of ten (10) years in Illinois.

6. The United States submits that a sentence of ten (10) years in the instant cause, to be served consecutively to the sentence to be imposed in 3:19-30075-SMY, is sufficient but not greater than necessary to comply with the statutory purposes of sentencing – the need for the sentence to reflect the seriousness of the offense, to promote respect for the law and to provide just punishment for the offense, to afford adequate deterrence, to protect the public from further crimes of the defendant and to provide the defendant with needed educational or vocational training.

7. The final, revised presentence investigation report reflects a total offense level of 21 as to Count 3 (carjacking) and as to Count 4, the statutory, mandatory minimum sentence of seven (7) years imprisonment. Given the defendant’s criminal history category of I, the advisory range

for Count 3 is 37 to 46 months, consecutive to 84 months on Count 4. The advisory range is therefore 121 to 130 months. The United States and the defendant respectfully request this Court sentence defendant to 36 months on Count 3, consecutive to 84 months on Count 4 (for a total sentence of 120 months), to be served consecutively to the sentence yet to be imposed in cause number 3:19-30075-SMY, in the U.S. District Court for the Southern District of Illinois.

WHEREFORE, the Government herewith submits its sentencing memorandum to reflect the post-plea, revised agreement of the parties, jointly recommending a total sentence of 120 months imprisonment, to be served consecutively to the sentence yet to be imposed in cause number 3:19-30075-SMY, in the U.S. District Court for the Southern District of Illinois.

Respectfully submitted,

/s/ Paul J. D'Agrosa
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CERTIFICATE OF SERVICE

A copy of the foregoing was served this 4th day of January, 2020 on Mr. Robert Wolfrum, counsel for Defendant, via this Court's electronic case filing system.

/s/ Paul J. D'Agrosa